



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

OFFICE OF  
CIVIL RIGHTS

February 11, 2016

**Return Receipt Requested**

Certified Mail #: 7015 0640 0006 0305 7398

**In Reply Refer to:**

EPA File No. 06R-15-R6

Mr. Bernard Daniels  
Director of Utilities/Water Plant Manager  
Mr. Calvin Sanders  
Sewer Treatment/Collection Manager  
City of Franklin  
Water and Sewer Department  
300 Iberia Street  
Franklin, Louisiana 70538

**Re: Rejection of Administrative Complaint**

Dear Mr. Daniels and Sanders:

This is to notify you that the U.S. Environmental Protection Agency (EPA) Office of Civil Rights (OCR) has rejected an administrative complaint we received on February 24, 2015, alleging that the City of Franklin is engaging in "environmental racism" in violation of Title VI of the Civil Rights Act of 1964, as amended, and EPA's nondiscrimination regulations found at 40 Code of Federal Regulations (C.F.R.) Part 7. On May 5, 2015, OCR notified the complainant that it was rejecting the complaint.

Pursuant to EPA's nondiscrimination administrative regulations, OCR conducts a preliminary review of administrative complaints for acceptance, rejection, or referral to another federal agency. 40 C.F.R. § 7.120(d)(1). To be accepted for investigation, a complaint must meet the jurisdictional requirements described in EPA's nondiscrimination regulations. First, it must be in writing. 40 C.F.R. § 7.120(b)(1). Second, it must allege discriminatory acts that would violate EPA's nondiscrimination regulations, such as an intentionally discriminatory act or a policy with discriminatory effects based on race, color, national origin, sex, age or disability. *Id.* Third, it must be received within 180 calendar days of the alleged discriminatory act. 40 C.F.R. § 7.120(b)(2). Finally, it must be filed against an applicant for, or a recipient of, EPA financial assistance that committed the alleged discriminatory act. 40 C.F.R. § 7.15.

After careful review of the information that was provided by the complainant to OCR, the EPA has rejected the complaint because the allegation that was described does not meet the EPA's

jurisdictional requirements. Specifically, the complaint did not identify an applicant for, or a recipient of, EPA financial assistance that allegedly committed the discriminatory act. 40 C.F.R. § 7.15. The City of Franklin and the Ameripure Oyster Company were not recipients of EPA financial assistance. In addition, the complaint did not identify any alleged discriminatory act that occurred within 180 days from filing of the complaint. Also, the OCR does not have jurisdiction over any allegations based on income status. Accordingly, the Agency lacked jurisdiction over the complaint.

If you have questions regarding this letter, please contact Ericka Farrell of my staff at (202) 564-0717, or via e-mail at [farrell.ericka@epa.gov](mailto:farrell.ericka@epa.gov), or by mail at U.S. EPA, Office of Civil Rights (Mail Code 1201A), 1200 Pennsylvania Avenue, NW, Washington, DC 20460-1000.

Sincerely,



Velveta Golightly-Howell  
Director  
Office of Civil Rights

cc: Elise Packard,  
Associate General Counsel  
Civil Rights & Finance Law Office

Samuel Coleman  
Deputy Regional Administrator  
Deputy Civil Rights Official  
Region 6